

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IES UTILITIES INC., AND INTERSTATE POWER COMPANY, N/K/A INTERSTATE POWER AND LIGHT COMPANY	DOCKET NOS. TF-03-180 TF-03-181 WRU-03-30-150 (WRU-99-38-150, WRU-99-39-151)
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**ORDER DENYING PETITION TO INTERVENE**

(Issued January 29, 2004)

On January 16, 2004, the Iowa Renewable Energy Association (I-Renew) filed with the Utilities Board (Board) a petition to intervene in the above-captioned proceeding, which involves revisions to Interstate Power and Light Company's (IPL) tariffs under which IPL offers net metering to customers with alternate energy production (AEP) facilities. IPL also filed a request for partial waiver of 199 IAC 15.11(5), which deals with net metering, to the extent necessary to implement the proposed tariffs, and a limited extension of the cost recovery waivers for existing net metering customers granted in Docket Nos. WRU-99-38-150 and WRU-99-38-151. I-Renew is a membership organization of renewable energy installers, dealers, consultants, users, and prospective users. I-Renew states that its members have an interest in net metering and some intend to install an AEP facility and use the net metering tariff.

IPL filed its proposed tariffs on June 5, 2003. The Consumer Advocate Division of the Department of Justice (Consumer Advocate), Kinze Manufacturing (Kinze), and the Iowa Joint Utility Management Program (I-Jump) each filed petitions to intervene on or before June 25, 2003. The Board suspended and docketed IPL's tariffs for further investigation by order issued July 2, 2003.

IPL responded to Consumer Advocate's objection on July 7, 2003, and to Kinze's and IJUMP's objections on July 9, 2003. On October 23, 2003, Kinze and IJUMP filed notices of their intent not to intervene in any further proceedings involving the proposed tariffs. None of the parties requested a hearing.

Because no hearing was requested, the Board began evaluating the proposed tariffs and objections. An order approving the tariffs, with modifications, was prepared and circulated to the Board, reviewed by each Board member, and signed by each Board member on or before January 16, 2004. This is the date I-Renew filed its petition to intervene. The Board's signed order was processed and issued on January 20, 2004. The order was not issued on January 19, 2004, because that date was a state holiday.

The Board will deny the petition to intervene as untimely. However, the Board notes that pursuant to its January 20, 2004, order, IPL is required to file compliance tariffs. If I-Renew desires, it could intervene in this proceeding for the limited purpose of reviewing compliance tariffs. With respect to compliance tariffs, the only issue is

whether the tariffs comply with the Board's January 20, 2004, order. The Board's decision itself is not subject to review and comment in a compliance tariff proceeding.

The Board notes that the substantive issues raised by I-Renew were largely addressed in the January 20, 2004, order. For example, the Board thoroughly considered the 500 kW limit and applied it to capacity, rather than facilities. This should alleviate I-Renew's concerns about net metering not being available at all for facilities larger than 500 kW. Facilities larger than 500 kW do qualify for net metering for part of their capacity.

**IT IS THEREFORE ORDERED:**

The petition to intervene filed by the Iowa Renewable Energy Association on January 16, 2004, is denied.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of January, 2004.